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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,674	01/22/2004	Michael Hosey	HG-04-01	5148

7590 04/05/2005
STUART WHITTINGTON, ESQ
7037 E. MONTE CIRCLE
MESA, AZ 85208

EXAMINER

DUONG, HUNG V

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

84

Office Action Summary	Application No. 10/762,674	Applicant(s) HOSEY, MICHAEL	
	Examiner Hung v. Duong	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

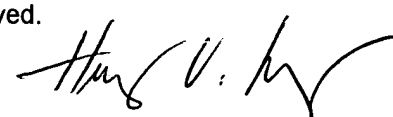
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

- HUNG VAN DUONG**
PRIMARY EXAMINER
- 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-4 recites the limitation "the retaining clip" in claim 3, line 1, and in claim 4, line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 5-16, and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang US 2005/0024526.

Regarding claims 1-2, 5-16, and 18-19 Wang discloses a portable electronic device comprising: a memory 22; a data interface port 23 communicatively coupled to the memory 22; and a portable housing supporting the memory and data interface port,

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wherein the portable housing unit 11, 12 includes a locking retaining portion 15 which in a first position facilitates insertion of an article for retaining the portable housing unit 11, 12, and in a second position locks the portable housing unit 11, 12 to the article wherein the retaining portion 15 is integral with the portable housing unit 11, 12 wherein the portable electronic device comprises a digital camera, an audio device, an MP3 player wherein the memory comprises a flash memory and wherein the data interface port comprises a universal serial bus (USB) interface wherein the locking retaining portion is removable from the housing wherein the locking retaining portion is configured as a protective cover for the data interface port.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang US 2005/0024526 in view of Siaperas US2001/0027151.

Regarding claims 3-4, 17, and 20 Wang discloses all the subject matter of the claimed invention except for the retaining clip is a carabineer clip and pivotally connected to the portable housing. However Siaperas discloses the retaining clip is a carabineer clip (see Siaperas figure 7, means 105). Therefore, it would be obvious to one of ordinary skill to include a retaining clip of Siaperas into Wang's portable housing in order to secure the housing.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lu (US 2004/0165302) teaches structure of a multi-purpose thump-like hard disk drive.

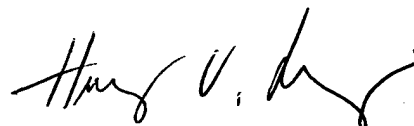
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung v Duong whose telephone number is 571-272-2041. The examiner can normally be reached on M-F from 8:30 to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVD

3/30/05

A handwritten signature in black ink, appearing to read "Hung V. Duong", with a stylized flourish at the end.

Hung Duong
Primary Examiner.